

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

CHONG L. LEE,

Petitioner-Appellant,

v.

USDC Case No. 22-C-620

BRAD MLODZIK,

USCA Case No. 24-2647

Respondent-Appellee.

ORDER

Petitioner Lee filed a notice of appeal from my order denying him relief under 28 U.S.C. § 2254. He also filed a request for leave to proceed on appeal *in forma pauperis*. Because his appeal is from the denial of a petition for relief under § 2254, the initial partial filing fee provisions of the Prison Litigation Reform Act (PLRA) do not apply. *See Walker v. O'Brien*, 216 F.3d 626 (7th Cir. 2000) (holding that “the PLRA does not apply to any requests for collateral relief under 28 U.S.C. §§ 2241, 2254, 2255”). Petitioner is a prison inmate without significant income and thus clearly meets the indigency requirements of a motion for leave to proceed *in forma pauperis*. The court issued a certificate of appealability as to the issue of whether the destruction of evidence violated Petitioner Lee’s right to due process on **September 6, 2024**. Accordingly, Petitioner’s motion for leave to appeal *in forma pauperis* (Dkt. No. 48) is **GRANTED**.

SO ORDERED at Green Bay, Wisconsin this 3rd day of October, 2024.

s/ William C. Griesbach

William C. Griesbach

United States District Judge